

**BLAKELY  
SOKOLOFF  
TAYLOR &  
ZAFMAN**  
A LIMITED LIABILITY  
PARTNERSHIP INCLUDING  
LAW CORPORATIONS

Two Union Square  
601 Union Street, Suite 3000  
Seattle, Washington 98101-1365  
(206) 292-8600 (Telephone) (206) 292-8606 (Facsimile)

Due Date: 9/13/05

**RECEIVED  
CENTRAL FAX CENTER**

**SEP 13 2005****FACSIMILE TRANSMITTAL SHEET (TRANSMITTAL TO PTO)**

Deliver to: Examiner Ngoc K. Vu  
Firm Name: U.S. PATENT AND TRADEMARK OFFICE  
Fax Number: (571) 273-8300 and (703) 872-9306 Telephone No.: \_\_\_\_\_  
From: R. Alan Burnett  
Date: September 13, 2005 Time: \_\_\_\_\_  
Operator: Adrian Villarreal Matter: 42P11865  
Number of pages including cover sheet: 26 pages  
In Re Patent Application of: Jay H. Connelly  
Application No.: 09/882,487  
Filed: June 15, 2001  
For: A METHOD AND APPARATUS FOR CONTINUOUSLY AND OPPORTUNISTICALLY  
DRIVING AN OPTIMAL BROADCAST SCHEDULE BASED ON MOST RECENT CLIENT  
DEMAND FEEDBACK FROM A DISTRIBUTED SET OF BROADCAST CLIENTS  
Enclosed are the following documents: \_\_\_\_\_  
Transmittal Letter - in duplicate (4 pages)  
Amendment AF (21 pages)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date of Transmission September 13, 2005

Adrian Villarreal  
(Type or printed name of person transmitting paper)

(Signature of person transmitting paper)

**CONFIDENTIALITY NOTE**

The documents accompanying this facsimile transmission contain information from the law firm of Blakely Sokoloff Taylor & Zafman LLP that is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF YOU EXPERIENCE ANY DIFFICULTY IN RECEIVING THE ABOVE PAGES, PLEASE CALL (408) 720-8300 AND ASK FOR THE OPERATOR NAMED ABOVE.

05/01/03

Attorney's Docket No.: 42P11865

Patent

In re the Application of: Jay H. Connelly

(inventor(s))

AMENDMENT UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDUREApplication No.: 09/882,487EXAMINING GROUP 2600Filed: June 15, 2001For: A METHOD AND APPARATUS FOR CONTINUOUSLY AND OPPORTUNISTICALLY DRIVING  
AN OPTIMAL BROADCAST SCHEDULE BASED ON MOST RECENT CLIENT DEMAND FEEDBACK  
FROM A DISTRIBUTED SET OF BROADCAST CLIENTS

(title)

Mail Stop AF  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450SIR: Transmitted herewith is an **Amendment After Final Action** for the above-referenced application.

Applicant claims small entity status. See 37 CFR 1.27.

XX **No additional fee is required.**

A Notice of Appeal is enclosed.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amd.		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total Claims	* 53	Minus **	56	0	X25	\$	X50	\$ 0
Indep. Claims	* 4	Minus ***	4	0	X100	\$	X200	\$ 0
First Presentation of Multiple Dependent Claim(s)					+180	\$	+360	\$
					Total Add. Fee	\$	Total Add. Fee	\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date of Transmission September 13, 2005Adrian Villarreal  
(Typed or printed name of person transmitting paper)  
(Signature of person transmitting paper)

\_\_\_\_\_ A check in the amount of \$ \_\_\_\_\_ is attached for presentation of additional claim(s).  
\_\_\_\_\_ Applicant(s) hereby Petition(s) for an Extension of Time of \_\_\_\_\_ month(s) pursuant to  
37 C.F.R. § 1.136(a).  
\_\_\_\_\_ A check for \$ \_\_\_\_\_ is attached for processing fees under 37 C.F.R. § 1.17.  
\_\_\_\_\_ Please charge my Deposit Account No. 02-2666 the amount of \$ \_\_\_\_\_.  
\_\_\_\_\_ A duplicate copy of this sheet is enclosed.  
☒ The Under Secretary of Commerce for Intellectual Property and Director of the United States  
Patent and Trademark Office is hereby authorized to charge payment of the following fees  
associated with this communication or credit any overpayment to Deposit Account No. 02-2666  
(a duplicate copy of this sheet is enclosed):  
\_\_\_\_\_ ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of  
extra claims.  
\_\_\_\_\_ ☒ Any extension or petition fees under 37 C.F.R. § 1.17.

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

Date: Sept 13, 2005

R. Alan Burnett  
R. Alan Burnett  
Reg. No. 46,149

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(206) 292-8600

Attorney's Docket No.: 42P11865PatentIn re the Application of: Jay H. Connelly  
(Inventor(s))**AMENDMENT UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE**Application No.: 09/882,487**EXAMINING GROUP 2600**Filed: June 15, 2001For: A METHOD AND APPARATUS FOR CONTINUOUSLY AND OPPORTUNISTICALLY DRIVING  
AN OPTIMAL BROADCAST SCHEDULE BASED ON MOST RECENT CLIENT DEMAND FEEDBACK  
FROM A DISTRIBUTED SET OF BROADCAST CLIENTS  
(title)Mail Stop AF  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450SIR: Transmitted herewith is an **Amendment After Final Action** for the above-referenced application.

Applicant claims small entity status. See 37 CFR 1.27.

XX**No additional fee is required.**

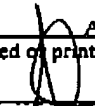
A Notice of Appeal is enclosed.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amd.		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total Claims	* 53	Minus	** 56	0	X25	\$	X50	\$ 0
Indep. Claims	* 4	Minus	*** 4	0	X100	\$	X200	\$ 0
<b>First Presentation of Multiple Dependent Claim(s)</b>					+180	\$	+360	\$
* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3. ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space. *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.					Total Add. Fee	\$	Total Add. Fee	\$ 0

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date of Transmission September 13, 2005Adrian Villarreal  
(Typed or printed name of person transmitting paper)  
(Signature of person transmitting paper)

\_\_\_\_\_ A check in the amount of \$ \_\_\_\_\_ is attached for presentation of additional claim(s).  
\_\_\_\_\_ Applicant(s) hereby Petition(s) for an Extension of Time of \_\_\_\_\_ month(s) pursuant to  
37 C.F.R. § 1.136(a).  
\_\_\_\_\_ A check for \$ \_\_\_\_\_ is attached for processing fees under 37 C.F.R. § 1.17.  
\_\_\_\_\_ Please charge my Deposit Account No. 02-2666 the amount of \$ \_\_\_\_\_.  
\_\_\_\_\_ **A duplicate copy of this sheet is enclosed.**  
X \_\_\_\_\_ The Under Secretary of Commerce for Intellectual Property and Director of the United States  
Patent and Trademark Office is hereby authorized to charge payment of the following fees  
associated with this communication or credit any overpayment to Deposit Account No. 02-2666  
**(a duplicate copy of this sheet is enclosed):**  
\_\_\_\_\_ X \_\_\_\_\_ Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of  
extra claims.  
\_\_\_\_\_ X \_\_\_\_\_ Any extension or petition fees under 37 C.F.R. § 1.17.

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

Date: SEP 13, 2005

R. Alan Burnett  
R. Alan Burnett  
Reg. No. 46,149

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(206) 292-6600

SEP 13 2005

Attorney Docket No. 42P11865

Patent

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date of Transmission September 13, 2005Adrian Villarreal  
(Typed or printed name of person transmitting paper)(Signature of person transmitting paper)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jay H. Connelly

Serial No. 09/882,487

Filed: June 15, 2001

For: A METHOD AND APPARATUS FOR  
CONTINUOUSLY AND OPPORTUNISTICALLY  
DRIVING AN OPTIMAL BROADCAST  
SCHEDULE BASED ON MOST RECENT  
CLIENT DEMAND FEEDBACK FROM A  
DISTRIBUTED SET OF BROADCAST CLIENTS)

Examiner: Vu, Ngoc K.

Art Unit: 2611

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450AMENDMENT AND REQUEST FOR RECONSIDERATION

Sir:

Responsive to the Final Office Action mailed July 13, 2005, the Applicants request the Examiner to enter the following amendments and to reconsider all pending claims in view of the amendment and the following remarks.

42P11865  
Ser. No. 09/882,487

1

Examiner: Vu, Ngoc K.  
Art Unit: 2611